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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,649	04/16/2001	Shane D. Meyer	12084	3685
20686	7590	01/06/2005	EXAMINER	
DORSEY & WHITNEY, LLP INTELLECTUAL PROPERTY DEPARTMENT 370 SEVENTEENTH STREET SUITE 4700 DENVER, CO 80202-5647			RAMPURIA, SHARAD K	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/834,649	Applicant(s) MEYER ET AL.	
	Examiner Sharad K. Rampuria	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Applicant's arguments with respect to claims 1-28, have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7, 9-10, 12-18, 21, 23-24, 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich in view of Merriman et al.

1. Regarding claim 1, Helferich disclosed A method for providing a response to a request (abstract) from a wireless device comprising:
receiving the request from the wireless device; (reply message for the specific recipient; pg.2; 0021)
retrieving primary response data for responding to the request; (reply message for the specific recipient; pg.2; 0021)

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Helferich fails to disclosed determining whether secondary data unrelated to responding to the request exists. However, Merriman teaches in an analogous art, that determining whether secondary data unrelated to responding to the request exists, and to be provided to the wireless device; (advertisement banners; col.3; 24-63) associating the retrieved primary response data (web page; col.3; 24-63 & col.4; 20-43) with either an indication of the secondary data or at least a portion of the secondary data and generate an expanded response to the request, including the primary response data and the portion or indication of the secondary data; and transmitting the expanded response to the request to the wireless device. (advertisement banners; col.3; 24-63 & col.4; 20-43) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include determining whether secondary data unrelated to responding to the request exists in order to provide specific information with generic information.

2. Regarding claim 2, Helferich disclosed all the particulars of the claim except generating a data stream containing the retrieved primary response data and the portion or indication of the secondary data. However, Merriman teaches in an analogous art, that the method of claim 1 wherein the associating includes: generating a data stream containing the retrieved primary response data and the portion or indication of the secondary data; (web page; col.3; 24-63 & col.4; 20-43) and formatting the data stream for transmission to the wireless device. (advertisement banners; col.3; 24-63 & col.4; 20-43) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include generating a data stream containing the retrieved primary response data and the portion or indication of the secondary data in order to provide specific information with generic information.

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3. Regarding claim 3, Helferich disclosed The method of claim 1 wherein the determining step includes:

obtaining an identifier for the user related the wireless device; (MIN; pg.1; 0016) and performing at least one task related to the user's identifier. (based on temperature...includes an advertisement; pg.5; 0046)

4. Regarding claim 4, Helferich disclosed The method of claim 1 wherein the retrieving step includes sending data for the request to a process that can respond to commands. (reply message for the specific recipient; pg.2; 0021)

7. Regarding claim 7, Helferich disclosed all the particulars of the claim except the associating includes providing a first indication identifying the retrieved primary response data. However, Merriman teaches in an analogous art, that The method of claim 1 wherein the associating includes providing a first indication identifying the retrieved primary response data and a second indication identifying the secondary data, for inclusion within the expanded response to be generated. (col.3; 24-63 & col.4; 20-43) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the associating includes providing a first indication identifying the retrieved primary response data in order to provide specific information with generic information.

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9. Regarding claim 9, Helferich disclosed A method for processing and presenting via a wireless device a response to a request (abstract), comprising:

transmitting from a wireless device a request; (reply message for the specific recipient; pg.2; 0021)

receiving a response to the request; (reply message for the specific recipient; pg.2; 0021)

Helferich fails to disclosed determining whether secondary data unrelated to responding to the request exists. However, Merriman teaches in an analogous art, that determining whether the response includes primary response data for responding to the request and either at least a portion of secondary data unrelated to the primary response data or an indication of the existence of the secondary data to be also provided; (col.3; 24-63 & col.4; 20-43) and presenting the response including either the portion or indication of the secondary data. (advertisement banners; col.3; 24-63) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include determining whether secondary data unrelated to responding to the request exists in order to provide specific information with generic information.

10. Regarding claim 10, Helferich disclosed all the particulars of the claim except generating a data stream containing the retrieved primary response data and the portion or indication of the secondary data. However, Merriman teaches in an analogous art, that the method of claim 9 wherein the associating includes: generating a data stream containing the retrieved primary response data and the portion or indication of the secondary data; (web page; col.3; 24-63 & col.4; 20-43) and formatting the data stream for transmission to the wireless device.

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(advertisement banners; col.3; 24-63 & col.4; 20-43) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include generating a data stream containing the retrieved primary response data and the portion or indication of the secondary data in order to provide specific information with generic information.

12. Regarding claim 12, Helferich disclosed The method of claim 9 wherein the transmitting step includes using a browser program to format the request for wireless network transmission.

(browser; pg.1; 0014 & pg.5; 0046)

13. Regarding claim 13, Helferich disclosed The method of claim 9 wherein the presenting step includes providing a visual indication of the response including the secondary data. (includes an advertisement...super store; pg.5; 0046)

14. Regarding claim 14, Helferich disclosed The method of claim 9 wherein the presenting step includes providing an audible indication of the response including the secondary data. (audio; pg.1; 0003-0004)

15. Regarding claim 15, Helferich disclosed An apparatus for providing a response to a request (abstract) from a wireless device, comprising:
a receive module for receiving a request from a wireless device; (reply message for the specific recipient; pg.2; 0021)

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Helferich fails to disclosed determining whether secondary data unrelated to responding to the request exists. However, Merriman teaches in an analogous art, that one or more processing modules adapted to retrieve primary response data for responding to the request; (web sites; col.3; 24-63); determining whether secondary data unrelated to responding to the request exists, and to be provided to the wireless device; (advertisement banners; col.3; 24-63) associating the retrieved primary response data (web page; col.3; 24-63 & col.4; 20-43) with either an indication of the secondary data or at least a portion of the secondary data and generate an expanded response to the request, including the primary response data and the portion or indication of the secondary data; and transmitting the expanded response to the request to the wireless device. (advertisement banners; col.3; 24-63 & col.4; 20-43) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include determining whether secondary data unrelated to responding to the request exists in order to provide specific information with generic information.

16. Regarding claim 16, Helferich disclosed all the particulars of the claim except generating a data stream containing the retrieved primary response data and the portion or indication of the secondary data. However, Merriman teaches in an analogous art, that the apparatus of claim 15 wherein the one or more processing modules adapted to: generate a data stream containing the retrieved primary response data and the portion or indication of the secondary data; (web page; col.3; 24-63 & col.4; 20-43) and format the data stream for transmission to the wireless device. (advertisement banners; col.3; 24-63 & col.4; 20-43) Therefore, it would have been obvious to one of ordinary skill in the art at the

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time of invention to include generating a data stream containing the retrieved primary response data and the portion or indication of the secondary data in order to provide specific information with generic information.

17. Regarding claim 17, Helferich disclosed The apparatus of claim 15 wherein the determine module includes:

a module for obtaining an identifier for the user; (reply message for the specific recipient; pg.2; 0021) and

a module for performing at least one task related to the user's identifier. (reply message for the specific recipient; pg.2; 0021)

18. Regarding claim 18, Helferich disclosed The apparatus of claim 15 wherein the retrieve module includes a module for sending data for the request to a process that can respond to commands and data for generating a response to the request. (includes an advertisement...super store; pg.5; 0046)

21. Regarding claim 21, Helferich disclosed all the particulars of the claim except the secondary data for inclusion in the expanded response. However, Merriman teaches in an analogous art, that the apparatus of claim 15 wherein the one or more processing module: are adapted to provide a first indication identifying the retrieved primary response data and a second indication identifying the secondary data for inclusion in the expanded response (col.3; 24-63 & col.4; 20-43) Therefore, it would have been obvious to one of ordinary skill in the art at the time of

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invention to include the secondary data for inclusion in the expanded response in order to provide specific information with generic information.

23. Regarding claim 23, Helferich disclosed An apparatus for processing and presenting via a wireless device a response to a request, (abstract) comprising:

a transmit module for transmitting from a wireless device a request associated with a particular user; (reply message for the specific recipient; pg.2; 0021)

a receive module for receiving a response to the request; (reply message for the specific recipient; pg.2; 0021)

Helferich fails to disclosed determining whether secondary data unrelated to responding to the request exists. However, Merriman teaches in an analogous art, that one or more processing modules adapted to retrieve primary response data for responding to the request; (web sites; col.3; 24-63); and either at least a portion of secondary data unrelated to the primary response data or an indication of the existence of the secondary data to be also provided; (col.3; 24-63 & col.4; 20-43) and presenting the response including either the portion or indication of the secondary data. (advertisement banners; col.3; 24-63) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include determining whether secondary data unrelated to responding to the request exists in order to provide specific information with generic information.

24. Regarding claim 24, Helferich disclosed all the particulars of the claim except the associating includes providing a first indication identifying the retrieved primary response data. However,

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Merriman teaches in an analogous art, that The apparatus of claim 23 wherein the receive module is adapted to receiving a data stream having the primary response data and the portion or the indication of the secondary data encoded with primary response data (col.3; 24-63 & col.4; 20-43) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the associating includes providing a first indication identifying the retrieved primary response data in order to provide specific information with generic information.

26. Regarding claim 26, Helferich disclosed The apparatus of claim 23 wherein the transmit module includes a module for using a browser program to format the request for wireless network transmission. (browser; pg.1; 0014 & pg.5; 0046)

27. Regarding claim 27, Helferich disclosed The apparatus of claim 23 wherein the presentation module includes a module for providing a visual indication of the response including the secondary data. (includes an advertisement...super store; pg.5; 0046)

28. Regarding claim 28, Helferich disclosed The apparatus of claim 23 wherein the presentation module includes a module for providing an audible indication of the response including the secondary data. (audio; pg.1; 0003-0004)

Claims 5-6, 8, 11, 19-20, 22 & 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich & Merriman et al. further in view of Bossemeyer, JR. et al.

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5. Regarding claim 5, the above combinations disclosed all the particulars of the claim except checking a status of flags associated with the user. However, Bossemeyer teaches in an analogous art, that The method of claim 1 wherein the determining step includes checking a status of flags associated with the user to determine if the status indicates existence of the secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include checking a status of flags associated with the user in order to provide message notification.

6. Regarding claim 6, the above combinations disclosed all the particulars of the claim except status of flags. However, Bossemeyer teaches in an analogous art, that The method of claim 5, further including updating the status of the flags. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include status of flags in order to provide message notification.

8. Regarding claim 8, the above combinations disclosed The method of claim 1, further including:

receiving secondary data for the user; (particular type of businesses; col.6; 13-34)

saving and associating the received secondary data with the user; (col.11; 21-47) and

Helferich fails to disclosed an indication. However, Bossemeyer teaches in an analogous art, that a module for providing an indication of the existence of the saved secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an indication in order to provide message notification.

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11. Regarding claim 11, the above combinations disclosed all the particulars of the claim except an indication. However, Bossemeyer teaches in an analogous art, that The method of claim 10 wherein the determining step includes parsing the data stream to detect the indication of the secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an indication in order to provide message notification.

19. Regarding claim 19, the above combinations disclosed all the particulars of the claim except checking a status of flags associated with the user. However, Bossemeyer teaches in an analogous art, that The apparatus of claim 15 wherein the determine module includes a module for checking a status of flags associated with the user to determine if the status indicates existence of the secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include checking a status of flags associated with the user in order to provide message notification.

20. Regarding claim 20, the above combinations disclosed all the particulars of the claim except status of flags. However, Bossemeyer teaches in an analogous art, that The apparatus of claim 19, further including a module for updating the status of the flags. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include checking a status of flags associated with the user in order to provide message notification.

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22. Regarding claim 22, the above combinations disclosed all the particulars of the claim except an indication. However, Bossemeyer teaches in an analogous art, that The apparatus of claim 15, further including: a module for receiving secondary data for the user; a module for saving and associating the received secondary data with the user; a module for providing an indication of the existence of the saved secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an indication in order to provide message notification.

25. Regarding claim 25, the above combinations disclosed all the particulars of the claim except an indication. However, Bossemeyer teaches in an analogous art, that The apparatus of claim 24 wherein the determine module includes a module for parsing the data stream to detect the indication of the secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an indication in order to provide message notification.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu.(8:00-5:30) alternate Fri.(8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
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28 December 2004

Sharad Rampuria
Examiner
Art Unit 2683